



PUBLIC LEGAL MEMORANDUM

TOPIC: Open Meetings

RELATED TERMS: “Public Meetings”
“Closed Session”

STATUTES: Wisconsin Statutes §§ 19.81 through 19.98

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When a public meeting of a governmental body occurs, state law determines whether that body must meet in public or may meet in private (closed session). State law also sets rules on how governmental bodies can meet publicly or privately. This memorandum summarizes those laws related to open meetings that apply to the City.

APPLICATION

Who is a “governmental body?”

First, it has to be a group of two or more people. Second, it has to be created by the state constitution, a state statute, a city ordinance, or a rule or order of the city. Third, it has to perform a city function.¹

What qualifies as a meeting?

The presumption is whenever one-half of the members of a governmental body are present, the group must comply with open meetings laws.² They could be present in person, on a telephone call, or online. Regardless of how it happens, if members of the group can communicate simultaneously with each other, they must comply with open meetings laws.

¹ Wis. Stat. § 19.82(1)

² Wis. Stat. § 19.82(2)

RULES

Public notice

Normally, every meeting of a governmental body must be preceded by proper public notice. A public notice is proper if it:

- a. Sets forth the time, date, place and subject matter of the meeting
- b. Reasonably describes any topics that may be heard in closed session, except any item brought up during a public comment session does not need to be noticed in advance.
- c. Is sent to the official news publication at least 24 hours prior to the meeting time
EXCEPT: as little as 2 hours for good cause
EXCEPT: when a committee meets during a recess of the full council meeting or immediately afterward and the mayor announced the time, place and subject matter of the meeting prior to the full council meeting.
- d. Occurs relatively soon before the meeting (that is, you cannot publish one notice at the beginning of the year for all meetings for the next year. Each meeting should be noticed no more than a few weeks prior to the meeting)

Closed session

Normally, governmental bodies must meet in a place that is accessible and open to the public the entire time the meeting is going on. However, governmental bodies may meet in “closed session” for a variety of reasons. All possible closed sessions are split into three main categories:³

- a. CITY EMPLOYMENT MATTERS
 - a. *Public employees* - A governmental body may consider the hiring, compensation, promotion, performance reviews, discipline, demotion, and dismissal of a public employee in closed session, unless the public employee demands that the item is heard in open session.
 - b. *Unemployment* - The common council may discuss unemployment insurance issues in closed session.
 - c. *Worker's Compensation* - The common council may discuss worker's compensation issues in closed session.
- b. PRIVACY OF INDIVIDUALS
 - a. *GAB opinions* - A governmental body may discuss requests for confidential opinions from the government accountability board
 - b. *Ethics board opinions* - A governmental body may discuss requests for confidential opinions from the ethics board in closed session.
 - c. *Personal information* - A governmental body may consider financial, medical, social or personal histories or disciplinary data of specific persons in closed session if they would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, unless the person demands that the item is heard in open session.
 - d. *Licensing decisions* - A governmental body may consider the issuance or discipline of a city business license in closed session, unless the person demands that the item be heard in open session.

³ Wis. Stat. §19.85

c. INTEGRITY OF PROCESSES

- a. *Crime detection/prevention* - A governmental body may consider crime detection or prevention strategy in closed session.
- b. *Legal advice* - A governmental body may confer with a city attorney who is advising the body on legal strategies regarding pending or likely litigation.
- c. *Competitive public business* - A governmental body may deliberate or negotiate any public business whenever competitive or bargaining reasons require a closed session including, but not limited to, investing public funds or purchasing public property.
- d. *Quasi-judicial hearings* - A governmental body may deliberate in closed session after accepting all evidence at a quasi-judicial hearing, but before making a decision.